

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

CM/ECF PRACTICES ADVISORY NO. 02-5

**PROCEDURE FOR SUBMITTING PROPOSED ORDERS TO THE COURT VIA E-MAIL
ATTACHMENT; DESIGNATED ITEMS FOR INCLUSION IN THE RECORD ON APPEAL**

IMPORTANT INFORMATION

1. Implementation of Electronic Order Processing Procedure

- A Court-adopted amendment to LBR 9022-1(B), “Court Orders”, takes effect on July 1, 2002. (Attachment 1-A.) As provided for by amended LBR 9022-1(B), paragraph II.E. of the *Administrative Procedures for Filing, Signing, Retaining and Verification of Pleadings and Papers in the Case Management/Electronic Case Filing (CM/ECF) System (Administrative Procedures)* has been amended by the Court through entry of Standing Order No. 02-2, also effective July 1, 2002. (Attachment 1-B.)
- *Administrative Procedures* paragraph II.E. applies to all electronically filed cases and proceedings presently pending or closed, and to all cases and proceedings filed on and after January 1, 2002.
- Standing Order No. 02-2 and its *Administrative Procedures* Exhibit are linked to this CM/ECF Practices Advisory and to messages posted on the VAEB Home Page, which can be accessed at: <http://www.vaeb.uscourts.gov> and the VAEB CM/ECF Home Page, which can be accessed at: <http://www.vaeb.uscourts.gov/ecfnew/ecf.htm>. The standing order and its exhibit also have been physically posted at each division of the Court.
- *Administrative Procedures* paragraph II.E., as amended, makes provision for the submission of proposed orders by electronic means, either by e-mail attachment or on computer diskette. Submission of proposed orders by conventional means is permitted when so authorized by the Court.
- The electronic order processing procedure, known as *BOPS*, has been developed by the Court’s automation staff. The *BOPS* application has undergone extensive testing by the Judges and volunteer attorneys and trustees. Their input and suggestions have been invaluable in improving the *BOPS* application. All testers have reported that *BOPS* is very easy to use and greatly facilitates the orders submission, review and entry process by order proponents, the bench and the Clerk’s Office. (*BOPS* will be used by the Clerk’s Office to process internally created orders as well.) Several courts have expressed an interest in *BOPS* for possible adoption as the CM/ECF orders processing application of choice.
- A *BOPS Attorney Users’ Guide (Users’ Guide)*, which provides instructions for attorneys who are CM/ECF registered participants to file proposed orders, via e-mail attachment, has been completed by the Clerk’s Office. The *Users’ Guide* has been placed on the Court’s CM/ECF Home Page. It can be accessed by left-clicking the “Users’ Guides’ icon, and then by left-clicking the “*BOPS Attorney Users’ Guide*” hyperlink under the heading entitled “Electronic

Order Processing Procedure.” A flow chart entitled “Attorneys Sending Orders to BOPS” and proposed order templates for case and adversary proceeding orders are included in the *Users’ Guide*. *Explanatory information accompanies these two proposed order templates. It is important that the format set out in these templates be followed by order proponents.*

- The list of parties required under LBR 9022-1(B)(1) is provided for in the proposed order templates referred to in the preceding paragraph. *Administrative Procedures* paragraph II.E. references a Bankruptcy Noticing Center (BNC) notice of entry function. This *BOPS* function is under development by the Court’s automation staff. When available and made operational under paragraph II.E., orders generated through *BOPS* will be served to non-registered ECF participants via the BNC. At *that* time, providing a hard copy of the proposed order along with stamped, properly addressed envelopes no longer will be required. The Clerk’s Office will advise the public and Bar of the Court when the BNC notice of entry function is available and operational. In the interim, an order proponent must continue to provide the Clerk’s Office with a hard copy of the proposed order along with stamped and properly addressed envelopes for parties who are to receive notice of the entry of a final version of the proposed order (unless the party to be served is a registered participant in CM/ECF). The *Users’ Guide* provides additional information in this regard to proposed order proponents.
- Once the BNC notice of entry function is available and made operational under *Administrative Procedures* paragraph II.E., the submission of proposed orders by electronic means, via e-mail attachment, will be required for attorneys who are CM/ECF registered participants. The Clerk’s Office will advise the public and Bar of the Court when the BNC notice of entry function is available and operational.

2. Administrative Procedures Subparagraph III.A.5.

Administrative Procedures subparagraph III.A.5. is new and provides that: “Copies of designated items for inclusion in the record on appeal shall be filed conventionally in accordance with the Local Bankruptcy Rules [LBR 8006-2(C)].” This amendment is necessary since the United States Court of Appeals for the Fourth Circuit and the United States District Court for the Eastern District of Virginia are processing designated items by conventional means.

Attachment

Date: May 29, 2002

William C. Redden
Clerk of Court

ATTACHMENT 1-A

Local Bankruptcy Rule 9022-1(B) – Effective July 1, 2002

(B) *Lists, Copies and Envelopes:* With each proposed order:

- (1) when submitted, as provided for by an electronic means established by the Court, the order proponent shall file a list of parties, with the mailing addresses indicated, who are to receive notice of entry of the same and shall comply with all requirements set forth therein; or
- (2) except as the presiding judge in a case otherwise may direct, when submitted by conventional means, the order proponent shall file a list of parties, with mailing addresses indicated, who are to receive notice of entry of the same and, in addition, shall also file:
 - (a) one copy of the proposed order, and
 - (b) for other than the United States Trustee, or standing chapter 13 trustee, a stamped envelope bearing the mailing address of the party.

ATTACHMENT 1-B

Administrative Procedures for Filing, Signing, Retaining and Verification of Pleadings and Papers in the Case Management/Electronic Case Filing (CM/ECF) System Exhibit to Standing Order No. 02-2 – Effective July 1, 2002

II. FILING AND SERVICE OF DOCUMENTS

E. Orders1. Electronic Submission Via E-Mail Attachment

Except as the presiding judge in a case may direct, a party submitting a proposed order to the Clerk of the Court shall effect the submission electronically, via e-mail attachment, in accordance with the electronic order processing procedure set forth in the “Users’ Guides” link to the Court’s web site: <http://www.vaeb.uscourts.gov/ecfnew/ecf.htm>. The order proponent shall file a list of parties, with the mailing addresses indicated, who are to receive notice of entry of the same and shall comply with all requirements set forth in the aforesaid electronic order processing procedure. Until the Bankruptcy Noticing Center notice of entry function is available and made applicable under the electronic order processing procedure, all requirements under LBR 9022-1(B)(2) with regard to providing one copy of the proposed order and the requisite number of properly addressed and stamped envelopes must be followed, unless the party to be served is a registered participant in CM/ECF. For registered participants in CM/ECF, no envelope is required, as electronic notice will constitute service.

2. Electronic Submission Via Computer Diskette

A party who is not able to effect the submission of a proposed order electronically, via e-mail attachment, as set forth in subparagraph II.E.1., shall submit a 3.5-inch floppy disk containing the proposed order to the Clerk of the Court. The proposed order shall be attached either in Microsoft Word or WordPerfect format together with any attachment, exhibit or related document to be electronically entered in connection therewith. The order proponent shall file a list of parties, with mailing addresses indicated, who are to receive notice of entry of the same. Until the Bankruptcy Noticing Center notice of entry function is available and made applicable under the electronic order processing procedure, all requirements under LBR 9022-1(B)(2) with regard to providing one copy of the proposed order and the requisite number of properly addressed and stamped envelopes must be followed, unless the party to be served is a registered participant in CM/ECF. For registered participants in CM/ECF, no envelope is required, as electronic notice will constitute service.

3. Submission by Conventional Means

Parties with legal representation who are excused by the Court, pursuant to subparagraph III.A.4., from complying with the requirement set forth in paragraph II.A., will be handled on a case-by-case basis, as will parties without legal representation. Except when the presiding judge in a case directs the application of the Bankruptcy Noticing Center notice of entry function under the electronic order processing procedure, all requirements under LBR 9022-1(B)(2) with regard to the list of parties, providing one copy of the proposed order and the requisite number of properly addressed and stamped envelopes must be followed, unless the party to be served is a registered participant in CM/ECF. For registered participants in CM/ECF, no envelope is required, as electronic notice will constitute service.

4. Signed Orders

When made applicable under subparagraphs II.E.1., 2., and 3., all signed orders (including, without limitation, orders to show cause) shall be entered electronically by the Clerk of the Court or presiding judge in the case.

5. Application of Bankruptcy Noticing Center Notice of Entry Function

The Clerk of the Court shall establish a date certain for the application of the Bankruptcy Noticing Center notice of entry function under the electronic order processing procedure and shall cause the public and Bar of the Court to be advised of its application with respect to subparagraphs II.E.1., 2., and 3.

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

| | | |
|---------------------------------|---|-------------------------|
| In re: |) | |
| |) | |
| Filing, Signing, Retaining and |) | Standing Order No. 02-2 |
| Verification of Pleadings and |) | |
| Papers in the Case Management/ |) | |
| Electronic Case Filing (CM/ECF) |) | |
| System |) | |

ORDER ADOPTING CASE MANAGEMENT/ ELECTRONIC CASE FILING PROCEDURES

Federal Rule of Civil Procedure (FRCP) 83 and Federal Rules of Bankruptcy Procedure (FRBP) 5005(a)(2), 9011 and 9029, and Local Bankruptcy Rule (LBR) 5005-1, authorize this Court to establish practices and procedures for the filing, signing, maintaining, and verification of pleadings and papers by electronic means; and

The Administrative Procedures for Filing, Signing, Retaining and Verification of Pleadings and Papers in the Case Management/Electronic Case Filing (CM/ECF) System (hereafter Administrative Procedures) have been reviewed by the Court; and

The Administrative Procedures are consistent with and further the responsibility of the Clerk of the Court for the control of the Court's docket under FRBP 5005, including safeguarding the integrity of the Court's docket; and

The Administrative Procedures do not impose fees inconsistent with the present fee structure adopted by the Judicial Conference of the United States pursuant to 28 U.S.C. sections 1913, 1914, 1926 and 1930; and

The Administrative Procedures provide a means for the signing of pleadings and papers through the mechanism of a password, in compliance with LBR 5005-1(C)(4) and a secure mechanism for the creation and distribution of passwords; and

The Administrative Procedures provide an adequate process for filing pleadings and papers and for accessing, reviewing and retrieving records and dockets of this Court by parties who are not able to access the Electronic Case Filing component of the Case Management/Electronic Case Filing System via the Internet, thereby complying with the requirements contained in 11 U.S.C. § 107(a); and

The Administrative Procedures provide an adequate process for the protection of entities with respect to confidential, scandalous or defamatory matters as required under 11 U.S.C.

§ 107(b); and

The Administrative Procedures do not impair the ability of the Clerk of the Court to perform statistical reporting responsibilities both to the Court and the Administrative Office of the United States Courts; and

The Administrative Procedures are consistent with notice requirements of the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules of this Court:

NOW, THEREFORE, IT IS ORDERED that:

1. Standing Order No. 01-6 is hereby rescinded. Orders, procedures and directives of the Court referencing Standing Order No. 01-6 shall be deemed to reference this order.
2. The Administrative Procedures for Filing, Signing, Retaining and Verification of Pleadings and Papers in the Case Management/Electronic Case Filing (CM/ECF) System, attached as the Exhibit to this order, including the procedures for registration of attorneys, attorneys representing the United States Government, trustees and limited registrants and for distribution of passwords to permit electronic filing and notice of pleadings and other papers, are hereby adopted by the Court.
3. The original of this order shall be filed in accordance with the Administrative Procedures and conventionally with the Clerk of the Court.
4. The provisions of this order shall apply to all electronically filed cases and proceedings presently pending or closed and to all cases and proceedings filed on and after the effective date of this order in the United States Bankruptcy Court for the Eastern District of Virginia. Amendments to this order may be entered from time to time in keeping with the needs of the Court.
5. This order shall take effect on July 1, 2002.

Dated: May 24, 2002

/s/ Douglas O. Tice, Jr.
DOUGLAS O. TICE, JR..
CHIEF JUDGE

/s/ David H. Adams
DAVID H. ADAMS
JUDGE

/s/ Stephen S. Mitchell
STEPHEN S. MITCHELL
JUDGE

/s/ Stephen C. St. John
STEPHEN C. ST. JOHN
JUDGE

/s/ Robert G. Mayer
ROBERT G. MAYER
JUDGE

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

**Administrative Procedures for Filing, Signing, Retaining
and Verification of Pleadings and Papers in the
Case Management/Electronic Case Filing (CM/ECF) System**

Exhibit to Standing Order No. 02-2

(VERSION 5/16/02)

July 2002

ADMINISTRATIVE PROCEDURES

DESIGNATION OF CASES, PASSWORDS AND REGISTRATION FOR THE CASE MANAGEMENT/ELECTRONIC CASE FILING SYSTEM

A. Designation of Cases

The provisions of these Administrative Procedures shall apply to all electronically filed cases and proceedings presently pending or closed, and to all cases and proceedings filed on and after January 1, 2002.

B. Passwords

Each: attorney admitted to practice in this Court and currently in good standing, attorney representing the United States Government, trustee and limited registrant shall be eligible to receive login and password for participation in the Internet retrieval and filing of petitions, motions, memoranda of law, or other pleadings, documents and papers (hereafter filing(s)) in accordance with the Case Management/Electronic Case Filing System (hereafter CM/ECF).

C. Registration

A registration form, in the form approved by the Clerk of the Court, shall be prepared by and submitted for each: attorney described in paragraph I.B. above, attorney representing the United States Government, trustee and limited registrant (hereafter registrant) in CM/ECF. From time to time, the Clerk of the Court may direct a registrant to resubmit an executed registration form.

All registration forms shall be mailed or delivered to the divisional office, at the address indicated therein, where the attorney practices the majority of the time, and where the attorney representing the United States Government and trustee are assigned the majority of cases. Registration for attorneys representing the United States Government shall be determined on a case-by-case basis if that person is not assigned a majority of cases in any division of the Court. A limited registrant shall mail or deliver the registration form, at the address indicated therein, to the CM/ECF Help Desk.

After completion of training with an employee of the Clerk of the Court, each registrant will receive a login and password for the online training system and for limited CM/ECF inquiry purposes. No later than 30 days following the above-described training, the registrant shall complete the online training and contact the Clerk of the Court for full activation of the registrant's CM/ECF password.¹ Once

¹ The Clerk of the Court may delegate activities set forth in the Administrative Procedures to deputy clerks appointed pursuant to 28 U.S.C. § 156(b).

the Clerk of the Court activates a registrant's CM/ECF password, the registrant becomes a registered participant in CM/ECF (hereafter registered participant).

4. Any password issued for electronic filing, via the Internet, shall be used exclusively and without exception by the registered participant to whom the password is assigned and an employee(s) of such person to whom proper authorization has been given by the registered participant. No registered participant shall knowingly permit a password to be used by anyone who is not authorized to use the password and no person shall knowingly use the password of a registered participant unless such person is so authorized. If an employee of a registered participant no longer serves in such a capacity, the registered participant shall forthwith select and activate a new password as provided for in CM/ECF.
5. A registered participant may withdraw or be required to withdraw from participation in the Internet ECF filing component of CM/ECF, for cause, on order of the Court. The registered participant shall provide a copy of the Court order to the CM/ECF Help Desk. Upon receipt of the Court order, the CM/ECF Help Desk will initiate a procedure approved by the Clerk of the Court, which governs withdrawal of registered participants from the Internet filing component of CM/ECF. Once all of the requirements set forth in the procedures have been met, the CM/ECF Help Desk will immediately cancel the registered participant's password and will delete the name of the registered participant from any applicable electronic service list. A registered participant who is an attorney still must follow the procedure set out in LBR 2090-1(G) to withdraw as counsel of record.
6. A limited registrant is defined as a person who is eligible to file only a proof of claim form, via the Internet component of CM/ECF, with the Clerk of the Court and any other person who may be authorized by the Court to so register for other, limited purposes.

FILING AND SERVICE OF DOCUMENTS

A. Filing

1. Filing Requirements
 - a. Except as expressly provided for in paragraph III.A. below and in exceptional circumstances which prevent a registered participant from effecting a filing via the Internet component of CM/ECF, all filings required to be filed with the Clerk of the Court in connection with a case assigned to CM/ECF² shall be filed as follows: (1) registered participants shall effect all filings electronically via the Internet; (2) non-registered participant parties with legal representation shall effect filings electronically through submission of a 3.5-inch computer diskette (disk) specified in

² Cases administered in the National Integrated Bankruptcy System (NIBS), which have been filed with the Clerk of the Court prior to January 1, 2002, shall continue to be administered solely by conventional filings, even after migration of the NIBS electronic docket data to the CM component of CM/ECF, through and including closing, except as required by LBR 1007-1(I). Registered and non-registered participants with legal representation and parties without legal representation shall continue to effect filings in these cases conventionally.

the format provided for in the “Notice of Electronic Filing Procedure”³; and (3) parties without legal representation shall effect filings conventionally and must adhere to the requirements set forth in the “Notice of Electronic Filing Procedure” dealing with conventional filings. A copy of the notice is attached to these Administrative Procedures.

- b. Electronic filings, via the Internet, are considered timely if filed with the Clerk of the Court prior to midnight on the date set as a deadline, unless the presiding judge specifically requires an earlier filing time.
- c. All references to time contained in these Administrative Procedures are to Eastern Standard or Eastern Daylight Savings Time; whichever is in place at the time a filing is effected.
- d. A *conventional filing* is defined as a filing submitted in paper form.
- e. An *electronic filing* is defined as a filing submitted either via the Internet or in disk form.

2. Accessibility for Filing via the Internet

If the filer cannot access CM/ECF via the Internet to effect a filing, the filer shall contact the appropriate divisional office and speak with a deputy clerk to confirm that CM/ECF is not accessible, to state why an immediate filing is necessary and to make suitable arrangements with the Clerk of the Court for the filing to take place. After submission of the filing to the Clerk of the Court and when CM/ECF is accessible, a deputy clerk will effect the electronic entry and docketing of the filing.

3. Filing Documents with Exhibits and Attachments Under One Docket Entry Number

All documents with exhibits and attachments capable of electronic imaging and filing shall be electronically filed together under one entry number.

4. Exhibits/Attachments to Documents

Except as the presiding judge in a case may otherwise direct, exhibits/attachments to documents – including but not limited to leases, notes and the like, which are not

available in electronic form, shall be electronically imaged (i.e., scanned) and filed in the format specified in the “Notice of Electronic Filing Procedure.”

5. Large Documents

³ A “Notice of Electronic Filing Procedure”, in the form approved by the Clerk of the Court, is generated in all cases and accompanies the “Notice of the Meeting of Creditors.” A copy of the “Notice of Electronic Filing Procedure” is attached to these Administrative Procedures.

Electronic filings effected via the Internet should not be more than one (1) megabyte in size. Transmission time for effecting such filings is time sensitive. Filings that take more than five (5) minutes to transmit, for security reasons, will time out. If a filing is larger than one (1) megabyte and if any portion of the filing has been scanned, the filing document should be no more than 8 1/2 by 11 inches, without color and the resolution should not exceed 300 DPI. If making these adjustments does not reduce the filing size to one (1) megabyte or less, the filer will make suitable arrangements with the Clerk of the Court to effect the filing.

6. Expedited Matters

- a. Richmond, Newport News and Norfolk – Attorneys shall contact the courtroom deputy for the presiding judge by telephone after such expedited matter is filed.
- b. Alexandria – Attorneys shall contact the Judge’s chambers by telephone after such expedited matter is filed.

7. Effect of Electronic Filing

Effecting an electronic filing, via the Internet, in accordance with the Administrative Procedures shall constitute entry of that filing on the docket kept by the Clerk of the Court under FRBP 5003. All orders, decrees, judgments and proceedings of the Court will be entered in accordance with the Administrative Procedures, which shall constitute entry on the docket record kept by the Clerk of the Court under FRPB 5003 and for purposes of FRBP 9021.

B. Service

1. All registered participants shall maintain a current and active e-mail address to receive notification in CM/ECF.
2. Whenever a filing is effected via the Internet, by disk or conventionally, a “Notice of Electronic Filing” will be transmitted by e-mail to all parties in the case or proceeding who are registered participants.
3. The filer shall serve a filing upon all persons entitled to notice or service in accordance with the applicable rules, or, if service by first class mail is permitted

under the rules, the filer may make service in accordance with subparagraph II.B.4.below.

4. Pursuant to FRBP 9036, a registered participant consents to receive notice and service by electronic means, which shall constitute proper service. If the recipient of notice or service is a registered participant, service of the “Notice of Electronic Filing” shall be the equivalent of service of the filing by first class mail, postage prepaid.

C. Signatures; Affidavits of Service

Registered Attorneys and Parties with Legal Representation

All filings, which (a) must contain original signatures (b) require verification under FRBP 1008 or (c) contain an unsworn declaration as provided in 28 U.S.C § 1746, shall be filed electronically or in accordance with the “Notice of Electronic Filing Procedure.” Originally executed copies must be retained by the filer until three (3) years after the closing of the case unless the Court orders a different period. This retention period does not affect or replace any other retention periods required by other applicable laws or rules. Upon request of the Court, the filer must provide original documents for review.⁴

2. Electronic Filing of Documents

A filing effected electronically, via the Internet, by a registered participant constitutes that person’s signature under FRBP 9011 and LBR 5005-1(C)(4). For purposes of FRBP 9011, the filing shall indicate a signature with the filing party’s name typed in full, e.g. /s/ Jane Doe, followed by the filer’s typewritten name. An attorney shall indicate a signature in the same manner, e.g. /s/ Jane_Doe and, in addition, for purposes of LBR 5005-1(C)(5), must provide the attorney’s State Bar number, complete mailing address, telephone number and the name of the party the attorney represents.

3. Pro Se Filers

All conventional filings, which (a) must contain original signatures, (b) require verification under FRBP 1008 or (c) contain an unsworn declaration as provided in 28 U.S.C § 1746, must be submitted with full signature. The Clerk of the Court will scan these documents, and the originals shall be retained until three (3) years after the closing of the case unless the Court orders otherwise. This retention period does not affect or replace any other retention periods required by other applicable laws or rules.

D. Fees Payable to the Clerk of the Court

1. Registered Participants

For filings that require a fee, application for authorization of credit card payment, in the form approved by the Clerk of the Court, must have been delivered to the divisional office where the attorney most frequently practices.

2. Non-Registered Participants

For filings that require a fee, current rules for methods of payments must be followed

E. Orders

1. Electronic Submission Via E-Mail Attachment

⁴ Parties without legal representation will be handled on a case-by-case basis.

Except as the presiding judge in a case otherwise may direct, a party submitting a proposed order to the Clerk of the Court shall effect the submission electronically, via e-mail attachment, in accordance with the electronic order processing procedure set forth in the “Users’ Guides” link to the Court’s web site:

<http://www.vaeb.uscourts.gov/ecfnew/ecf.htm>. The order proponent shall file a list of parties, with mailing addresses indicated, who are to receive notice of entry of the same and shall comply with all other requirements set forth in the aforesaid electronic order processing procedure. Until the Bankruptcy Noticing Center notice of entry function is available and made applicable under the electronic order processing procedure, all requirements under LBR 9022-1(B)(2) with regard to providing one copy of the proposed order and the requisite number of properly addressed and stamped envelopes must be followed, unless the party to be served is a registered participant in CM/ECF. For registered participants in CM/ECF, no envelope is required, as electronic notice will constitute service.

2. Electronic Submission Via Computer Diskette

A party who is not able to effect the submission of a proposed order electronically, via e-mail attachment, as set forth in subparagraph II.E.1., shall submit a 3.5-inch floppy disk containing the proposed order to the Clerk of the Court. The proposed order shall be submitted either in Microsoft Word or WordPerfect format together with any attachment, exhibit or related document to be electronically entered in connection therewith. The order proponent shall file a list of parties, with mailing addresses indicated, who are to receive notice of entry of the same. Until the Bankruptcy Noticing Center notice of entry function is available and made applicable under the electronic order processing procedure, all requirements under LBR 9022-1(B)(2) with regard to providing one copy of the proposed order and the requisite number of properly addressed and stamped envelopes must be followed, unless the party to be served is a registered participant in CM/ECF. For registered participants in CM/ECF, no envelope is required, as electronic notice will constitute service.

3. Submission by Conventional Means

Parties with legal representation who are excused by the Court, pursuant to

subparagraph III.A.4., from complying with the requirement set forth in paragraph II.A., will be handled on a case-by-case basis, as will parties without legal representation. Except when the presiding judge in a case directs the application of the Bankruptcy Noticing Center notice of entry function under the electronic order processing procedure, all requirements under LBR 9022-1(B)(2) with regard to the list of parties, providing one copy of the proposed order and the requisite number of properly addressed and stamped envelopes must be followed, unless the party to be served is a registered participant in CM/ECF. For registered participants in CM/ECF, no envelope is required, as electronic notice will constitute service.

4. Signed Orders

When made applicable under subparagraphs II.E.1.,2., and 3., all signed orders (including, without limitation, orders to show cause) shall be entered electronically by the Clerk of the Court or presiding judge in the case.

5. Application of Bankruptcy Noticing Center Notice of Entry Function

The Clerk of the Court shall establish a date certain for the application of the Bankruptcy Noticing Center notice of entry function under the electronic order processing procedure and shall cause the public and Bar of the Court to be advised of its application, with respect to subparagraphs II.E.1., 2., and 3.

F. Docketing of Pleadings or Other Documents via the Internet

The registered participant effecting a filing, via the Internet, is responsible for docketing the filing by selecting the appropriate event from the list of docketing events in CM/ECF.

III. CONVENTIONAL FILING OF DOCUMENTS; EXCEPTIONS TO ELECTRONIC FILINGS

A. Conventional Filings

The following documents shall be filed conventionally unless specifically authorized by the Court:

1. Documents to be Filed under Seal

A motion to file a document(s) under seal shall be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally. If the motion itself contains confidential information, the movant shall file and serve electronically, a redacted version clearly marked as such and shall submit the unredacted version *in camera*. If requested by the Court, the movant shall deliver hard copies of the documents proposed to be filed under seal to the presiding judge for *in camera* review. The order of the Court authorizing the filing of such document(s) under seal shall be entered electronically by the Clerk of the Court or the presiding judge and shall indicate that the motion to file document(s) under seal has been “so ordered” in accordance with paragraph II.E. above.

2. Trial Exhibits

Trial Exhibits shall be filed conventionally in accordance with the Local Bankruptcy Rules.

3. Transcripts

Transcripts shall be filed conventionally in accordance with the Local Bankruptcy Rules.

4. Filers Without Ability to File by Computer Diskette

- a. An attorney may file a “Request for Waiver to File Conventionally” form seeking Court permission not to submit a petition(s) or document(s) for filing on a disk due to the attorney’s financial constraints and the inability to access the equipment necessary to comply with the requirements set out in subparagraph II.A.1. above. A copy of the form is attached to these Administrative Procedures. Attorneys who do not have the ability to file electronically by disk shall be deemed by the Court not to have the ability to make filings electronically via the Internet.
- b. An attorney granted a waiver to file conventionally must make such a filing in accordance with the Court’s Local Bankruptcy Rules. The Clerk of the Court will process any such filing pursuant to filing procedures.
- c. An attorney granted a waiver to file conventionally may scan paper documents to a disk using scanning equipment that is available to the Bar and public in the public areas of each division of the Court. The Clerk of the Court will process the filing submitted on a disk pursuant to filing procedures.
- d. A party without legal representation is required to file conventionally in accordance with the Court’s Local Bankruptcy Rules. The Clerk of the Court will process any such filing pursuant to filing procedures.

5. Designated Items for Inclusion in Record on Appeal

Copies of designated items for inclusion in the record on appeal shall be filed conventionally in accordance with the Local Bankruptcy Rules.

B. Service of Conventional or 3.5-Inch Floppy Disk Filings

Pleadings or other documents that are filed conventionally, or electronically on 3.5-inch floppy disks, shall be served in the manner provided for, and on those parties entitled to notice, in accordance with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules except as otherwise provided by order of the Court.

IV. PUBLIC ACCESS TO THE CM/ECF DOCKET

A. Internet Access

1. As of July 1, 2001, Internet access to CM/ECF at the Court’s Internet web site is no longer available without a login and password issued by the Public Access to Electronic Records Center (PACER). Any person or organization other than those referred to in paragraph I.B., with a valid PACER login and password, may access the System at the Court’s Internet site: <http://www.vaeb.uscourts.gov/ecfnew.htm>. A PACER login and password can be secured by contacting the PACER Service Center

to establish an account. Registration may be made online at <http://pacer.psc.uscourts.gov> or by calling the PACER Service Center at (800) 676-6856 or (210) 301-6440. Such access to

CM/ECF through the Internet web site will allow retrieval of the docket sheet and documents. Access to CM/ECF will be on a “read only” basis.

2. Registered participants receiving a “Notice of Electronic Filing” via e-mail in a case will not be charged for an initial, one-time retrieval, of a filing download, viewing or printing of a document when accessing the document directly from the e-mail notification.

B. Public Access at the Court

During regular business hours, electronic access is available at each division of the Court, at no charge, for viewing documents and docket records filed in CM/ECF.

C. Conventional Copies and Certified/Exemplified Copies

Conventional and certified/exemplified copies of electronically filed documents may be purchased at each division of the Court. The fee for copying and certification/exemplification will be in accordance with the fee charged by the copy service and/or 28 U.S.C. § 1930.

D. Access Charges

Charges required by the Judicial Conference of the United States, as set out at 28 U.S.C. § 1930, for electronic access to Court records, are assessed in accordance with the fees and procedures established by the Administrative Office of the United States Courts.

E. Security of System

Each filing effected via the Internet shall be assigned a special identification number, which can be traced as required, to detect post-filing alterations to the document.

F. Antiviral Software

All registered participants who retrieve and effect filings must have purchased, installed, utilized and daily updated antiviral software at all locations from which CM/ECF is accessed for such purposes. All disks also must be checked for viruses and worms before such disks are submitted for filing to the Clerk of the Court or submitted to a judge for any purpose.